IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1878 OF 2005

The New India Assurance Company Ltd. ... Petitioner

Vs.

Vinubhai Khandu Avhad and Ors. ... Respondents

Mr. S.A.P. Thomes for Petitioner.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: SEPTEMBER 12, 2006

P.C.:

. It is the case of the Petitioners that the impugned order dated 16.10.2004 was passed without hearing the Petitioners, in other words exparte. In these circumstances, it will be open to the Petitioners to move the learned tribunal for setting aside the order or considering that this is the case where the Petitioner was not heard, it will be provisional review which will be available considering the law laid down by the Supreme Court in Grindlays Bank Ltd. Vs. INdustrial Tribunal, (1981) LLJ 327, (See Page 13 of the Judgment). Considering the above, petition disposed of with liberty to the Petitioner to move the tribunal.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**